

Department of Public Health
and Human Services

Section:
RESOURCES

TANF CASH ASSISTANCE

Subject:
Native American Resources

Supersedes: TANF 402-2 (07/01/02)

References: ARM 37.78.102 AND .401

GENERAL RULE--The equity value of all resources (real and personal property) owned by the filing/assistance unit are countable unless specifically excluded by regulation.

COUNTABLE RESOURCES

Countable resources include, but are not limited to:

1. gravel sales,
2. timber sales,
3. estate payments,
4. oil and gas bonus payments,
5. mineral rights bonus payments,
6. right-of-way payments,
7. seismic payments,
8. land sale proceeds (the land sale source may be sale of trust property or of countable fee patent (taxable) property.), and
9. resources purchased with funds which are no longer clearly identifiable as excluded (LIAS Type Code: 'OA').

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NOTE: Income that was countable when received is countable as a resource to the extent the money is retained into future months. Income that was excluded when received retains that exclusion as a resource when retained into future months.

EXCLUDED RESOURCES

Excluded Native American resources include:

Individual Interests in Indian Trust or Restricted Lands: The first \$2000 received per calendar year is excluded.

Resources purchased with excluded Native American funds and the individual enrolled Indians' interest in trust or restricted lands are excluded.

NOTE: This exclusion extends to only the original items purchased with excluded funds.

The exclusion continues so long as the funds are clearly identifiable. For example, a bank account may exceed the resource limit when multiple

members deposit excluded funds into the single account and the distinction for each member's funds can be made. When excluded income/resources are no longer clearly identifiable in a commingled account, the exclusion no longer applies. See Commingled Funds, 401-1.

The following are specifically excluded under federal statute (LIAS Type code: OX)

1. P.L. 92-203, section 29, dated 12/76, (the Alaska Native Claims Settlement Act), and Section 15 of P.L. 100-241, 2/3/88, (the Alaska Native Claims Settlement Act Amendments of 1987) - All compensation (including cash, stock, partnership interest, land, interest in land, and other benefits) received under this Act are excluded from income and resources.
2. Per capita payments of \$2,000 or less for each household member per payment. Purchases of \$2,000 or less made solely with funds distributed after December 31, 1981 but prior to January 12, 1983 are totally excluded from resources. Purchases made after January 12, 1983 count in their entirety. (P.L. 93-134, P.L. 97-458 and P.L. 98-64.) These payments come from funds distributed as a result of judgment awards from breaches of treaty provisions and funds held in trust by the Secretary of the Interior from the sale or lease of oil, gas, and other tribal trust assets.
3. Per capita payments made under P.L. 98-124, Distributions to the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, and the Assiniboine Tribe of the Fort Peck Indian Reservation, Montana.
4. Per capita payments made to the Chippewas of Mississippi under P.L. 99-377 and payments made to the Red Lake Band of Chippewa Indians under P.L. 98-123.
5. Per capita payments made to Sac and Fox Tribes of Oklahoma, Sac and Fox Tribe of the Mississippi in Iowa (P.L. 94-189); Chippewas of Lake Superior, Lac Courte Oreilles Reservation of Wisconsin, Bad River Band Reservation, Sokagon Chippewa Community of the Mole Lake Band of Chippewa Indians, St. Croix Chippewa Indians of Wisconsin (P.L. 99-146).
6. Payments to Indian Tribal members (P.L. 94-114, Section 6) regarding submarginal land held in trust by the U.S.
7. Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (P.L. 91-646, Section 216).

8. Payments from the disposition of funds to the Grand River Band of Ottawa Indians (P.L. 94-540).
9. Payments to the Yakima and Apache Tribes from the Indian Claims Commission as designated P.L. 95-433, Section 2.
10. Payments made pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420, Section 9(c)).
11. Relocation assistance payments to Navajo and Hopi Tribe members under P.L. 93-531.
12. Payments to the Turtle Mountain Band of Chippewas, Arizona Under P.L. 97-403.
13. Payments to the Blackfeet, Gros Ventre, Assiniboine Tribes, Montana, and the Papago, Arizona under P.L. 07-408.
14. Funds paid to heirs of deceased Indians under the Old Age Assistance Claims Settlement Act (except for per capita shares in excess of \$2,000).
15. Judgement awards to tribes in Wisconsin, Michigan, and Minnesota (P.L. 99-146).
16. P.L. 99-264, White Earth Reservation Land Settlement Act of 1985. Payments under this act were to members of the White Earth Band of Chippewa Indians in Minnesota.
17. P.L. 99-346 - Payments to the Saginaw Chippewa Indian Tribe of Michigan.
18. P.L. 99-377 - Funds distributed per capita to the Chippewas of the Mississippi or held in trust under this Act. The funds are divided by reservation affiliation for the Mille Lac Reservation, Minnesota; White Earth Reservation, Minnesota; and Leech Lake Reservation, Minnesota.
19. P.L. 101-41, the Puyallup Tribe of Indians Settlement Act of 1989, provides that nothing in this Act shall affect the eligibility of the Tribe or any or its members for any Federal Program. None of the funds, assets, or income from the trust fund established shall at any time be used as a basis for denying or reducing funds to the Tribe or its members under any Federal, State, or local program. (The Puyallup Tribe is located in the State of Washington.)

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20. P.L. 101-277, funds appropriated in satisfaction of judgments awarded to the Seminole Indians are excluded except per capita payments in excess of \$2,000. Payments were allocated to the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, and the independent Seminole Indians of Florida.
21. P.L. 101-503, Seneca Nation Settlement Act of 1990, provides that none of the payments, funds or distributions authorized, established, or directed by this Act, and none of the income derived therefrom, shall affect the eligibility of the Seneca Nation or its members for, or be used as a basis for denying or reducing funds under, any Federal program.

INDIAN LANDS

Indian (Native American) land which is held jointly with the Tribe or land that can only be sold with the approval of the Bureau of Indian Affairs is **excluded**, as are any improvements to the excluded trust land. (OTAS Type code: 'IA').

**INDIVIDUAL
INDIAN MONEY
ACCOUNTS**

Countable (LIAS Type Code: 'IM').

NOTE: If the funds in the IIM are from an excluded source, they may be exempt according to the rules for the particular source. See also Commingled Funds in 401-1.

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